APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,892	08/27/2002	Thomas M. Breuel	111744	3616

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EXAMINER
PAULA, CESAR B

ART UNIT	PAPER NUMBER
2178	

NOTIFICATION DATE	DELIVERY MODE
07/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction27074@oliff.com
jarmstrong@oliff.com

		Application No.	Applicant(s)
		10/064,892	BREUEL ET AL.
Office Action Summary		Examiner	Art Unit	
		CESAR B. PAULA	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 April 2007*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,3-13,16 and 18-28* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 3-13, 16, and 18-28* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the 37 CFR 1.131 declaration filed on 4/18/2007.

This action is made Non-Final.

2.   In the amendment, claims 1, 3-13, 16, and 18-28 are pending in the case. Claims 1, 14,

and 16 are independent claims.

3.   The rejections of claims 1, 3-16, and 18-28 rejected under 35 U.S.C. 102(e) as being

anticipated by Formanek et al, hereinafter Formanek (USPub.# 2003/0014445, 1/16/2003, filed

7/13/01, as disclosed in IDS filed on 9/24/03), in view of Microsoft Paint XP, 2001, "Save As"

screendumps, Microsoft Windows XP Professional, have been withdrawn as necessitated by the

37 CFR 1.131 declaration.

Priority

4.   Acknowledgment is made of applicant's claim for domestic priority under 35

U.S.C. 119(e), and based on U.S provisional application # 60/360,171 filed on **3/1/2002**, which

papers have been placed of record in the file.

Drawings

5.   The drawings filed on 8/27/2002 have been approved by the Examiner.

Response To Declaration under 37 CFR § 1.131

6.   The Affidavit filed on 4/18/2007 under 37 CFR 1.131 has been considered, and has

overcome the effective filing date of the Formanek (USPub.# 2003/0014445, 1/16/2003, filed

7/13/01, as disclosed in IDS filed on 9/24/03) reference.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1, 3-16, and 18-28 are rejected under 35 U.S.C. 102(e) as being anticipated by

Tuli, hereinafter Formanek (USPat.# 6633314, 10/14/2003, filed 2/16/2000).

Regarding independent claim 1, Tuli discloses decomposing, and processing a document

image into several sections, which are then compressed—*deconstructing a document in a page

image format, synthesizing the deconstructed document into an intermediate data structure --*

(col.2, lines 56-64).

Furthermore, Tuli discloses the decompression of the image received by a user, and the

display of the image sections in a priority order to fit the screen of display device, such as a

palm phone device—*distilling the intermediate data structure for redisplay by converting the*

intermediate data structure into a format usable for an arbitrarily sized display structure,

wherein the intermediate data structure is automatically adaptable at the time of display to

constraints of any display device or circumstance of viewing (col.3, lines 1-16, fig. 2).

Regarding claim 3, which depends on claim 2, Tuli discloses decomposing, and

processing a document image into several sections, which are then compressed—*physical*

segmentation of data -- (col.2, lines 56-64).

Regarding claim 4, which depends on claim 1, Tuli discloses decomposing, and

processing a document image into several sections (col.2, lines 56-64).

Regarding claim 5, which depends on claim 1, Tuli discloses translating, decomposing,

and processing a document image into several sections, which are then compressed— *converting*

non-text image areas, Layout properties and segmented image areas into the intermediate data

structure -- (col.2, lines 56-64).

Regarding claim 6, which depends on claim 1, Tuli discloses the decompression of the

image received by a user, and the display of the image sections in a priority order to fit the screen

of display device, such as a palm phone device —*intelligible display layout* -- (col.3, lines 1-16,

fig. 2).

Regarding claim 7, which depends on claim 6, Tuli discloses decomposing, and

processing a document, which contains text, image, normally displayed into a single web page,

into several sections arranged in a reading or priority order (col.2, lines 35-64).

Regarding claim 8, which depends on claim 1, Tuli discloses a computer decomposing,

and processing a document image into several sections (col.2, lines 56-64).

Regarding claim 9, which depends on claim 1, Tuli discloses the decompression of the

image received by a user, and the redisplay of the image sections in a priority order to fit the

screen of display device, such as a palm phone device (col.3, lines 1-16, fig. 2).

Regarding claim 10, which depends on claim 1, Tuli discloses the decompression of the

image received by a user, and the redisplay of the image sections in a priority order to fit the

screen of display device over the Internet, —*Internet browsable format* --such as a palm phone

device (col.3, lines 1-30, fig. 1-2).

Regarding claim 11, which depends on claim 1, Tuli discloses the decompression of the

image received by a user, and the redisplay of the image sections in a priority order to fit the

screen of display device, such as a palm phone device —*device specific display format* -- (col.3, lines 1-16, fig. 2).

Regarding claim 12, which depends on claim 1, Tuli discloses the decompression of the image received by a user, and the redisplay of the image sections in a priority order to fit the screen of display device, such as a palm phone device — *screen size* -- (col.3, lines 1-16, fig. 2).

Regarding claim 13, which depends on claim 1, Tuli discloses the decompression of the image received by a user, and the redisplay of the image sections in a priority order to fit the screen of display device, such as a palm phone device (col.3, lines 1-16, fig. 2).

Regarding claim 16, limitations *an input/output device.......a distilling circuit...* are directed towards a computer system for implementing the steps found in claims 1, and therefore are similarly rejected.

Moreover, Tuli discloses decomposing, and processing a document image, which would normally be displayed as a single html document, into several sections, which are then compressed— *deconstruct the document into image areas, and segmented image elements, synthesizes the non-text image areas, the layout properties, and the set of segmented image elements into an intermediate data structure*-- (col.2, lines 35-64, fig.2). In other words, the image is divided up into sections preserving the layout of the text and image objects.

Furthermore, Tuli discloses the decompression of the image received by a user, and the

display of the image sections in a priority order to fit the screen of display device, such as a

palm phone device—*distilling the intermediate data structure for redisplay in a format usable*

for an arbitrarily sized display structure -- (col.3, lines 1-16, fig. 2).

Claims 18-20, and 22-25 are directed towards a computer system for implementing the

steps found in claims 3, 6-7, and 10-13 respectively, and therefore are similarly rejected.

Regarding claim 21, which depends on claim 16, Tuli discloses decomposing—

deconstructed document--, and processing a document image, which would normally be

displayed as a single html document, into several sections, which are then compressed —-

(col.2, lines 35-64, fig. 2).

Regarding claim 28, which depends on claim 26, Tuli teaches decomposing—

segmentation algorithm --, and processing a document image, which would normally be

displayed as a single html document, into several sections, which are then compressed. A

translator converts part of the image associated with hyperlinks into bold—*background structure*

analyzer- (col.2, lines 35-64, col. 3, lines 23-30 fig. 2).

Response to Arguments

8.   Applicant's arguments filed on 4/18/2007 have been fully considered , and they

are persuasive. The Applicants submit that Formanek does not qualify as a prior art reference in

view of the 37 CFR 1.131 declaration filed herewith (page 7). As indicated above, the

declaration establishes the reduction to practice of the claimed invention. Therefore, a new

rejection in light of the newly found prior art reference, for rejecting the claims has been

included above.

Conclusion

I.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Jakubowski (Pat. # 2002/0143821 A1), and Saito et al. (Pat. #   6,208,426 B1).

II.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The

examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m.

(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please

allow at least one business day.

Information regarding the status of an application may be obtained from the Patent

Application Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, go to http://portal.uspto.gov/external/portal/pair. Should you have any questions about

access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866

217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, please call 800-786-9199 or 571

272-1000 (USA or Canada).

        Any response to this Action should be mailed to:
                Commissioner for Patents
                  P.O. Box 1450
          Alexandria, VA 22313-1450
        Or faxed to:
- **(571)-273-8300** (for **all** Formal communications intended for entry)

CESAR PAULA
PRIMARY EXAMINER
7/3/2007